

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 57th LEGISLATURE - REGULAR SESSION JOINT APPROPRIATIONS SUBCOMMITTEE ON CORRECTIONS AND PUBLIC SAFETY

Call to Order: By **CHAIRMAN STANLEY FISHER**, on January 24, 2001
at 8:05 A.M., in Room 317-A Capitol.

ROLL CALL

Members Present:

Rep. Stanley Fisher, Chairman (R)
Sen. Arnie Mohl, Vice Chairman (R)
Rep. Tim Callahan (D)
Sen. Chris Christiaens (D)
Rep. Jeff Pattison (R)
Sen. Debbie Shea (D)
Sen. Tom Zook (R)

Members Excused: None.

Members Absent: None.

Staff Present: Mary LaFond, OBPP
Lorene Thorson, Legislative Branch
Sandra Whitaker, Committee Secretary

Please Note: These are summary minutes. Testimony and
discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: None
Executive Action: Div. Of Criminal Invest.,
County Attorney Payroll, Law
Enforcement Academy, Central
Services Div., Justice
Information Systems Div.,
Extradition & Transportation
Of Prisoners.

{Tape : 1; Side : A; Approx. Time Counter : 0}

EXECUTIVE ACTION ON DIVISION OF CRIMINAL INVESTIGATION

Motion: SEN. ZOOK moved that DP 1840 ITEM #1 OVERTIME COSTS FOR \$30,000 BE REDUCED TO \$15,000 BE ADOPTED.

Discussion: Mr. Mike Batista, Administrator, Division of Criminal Investigation, stated this is an important request for the division since agents are called to work throughout the entire state. The local government is not required to reimburse the division for their services. Much of the overtime is in compensatory time which causes a problem if an employee leaves and must be paid for that time.

Substitute Motion: SEN. CHRISTIAENS made a substitute motion that DP 1840 ITEM #1 TO REPLACE \$16,743 IN GENERAL FUNDS WITH \$16,743 IN FEDERAL FUNDS AUTHORITY ALLOWING FEDERAL GRANTS TO PAY A HIGHER PERCENTAGE OF THE COST BE ADOPTED.

Discussion: There was discussion on whether there would be enough general funds to meet a required match. SEN. CHRISTIAENS stated over \$6,000 would still be available in general funds. This motion keeps the overtime at \$30,000 rather than cutting it to \$15,000.

Substitute Motion/Vote: SEN. CHRISTIAENS made a substitute motion that DP 1840 ITEM #1 TO REPLACE \$16,743 IN GENERAL FUNDS WITH \$16,743 IN FEDERAL FUNDS AUTHORITY ALLOWING FEDERAL GRANTS TO PAY A HIGHER PERCENTAGE OF THE COST BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. ZOOK moved that DP 1840 ITEM #2 ANNUAL INCREASE OF \$20,000 IN ORDER TO PROCURE CONSULTING SERVICES BE REDUCED TO AN INCREASE OF \$10,000 ANNUALLY BE ADOPTED. Motion carried 6-1 with SHEA voting no.

There was discussion on DP 1840 #3 requesting \$17,010 increase each year to access the Criminal Justice Information Network (CJIN). Ms. LaFond stated the Department of Criminal Investigation has never been budgeted to pay these fees before. Mr. Batista stated this is to cover three offices brought on line--Missoula, Helena, and Billings--who have not had access to the CJIN network. Previously all the history information had to be accessed in Helena. SEN. ZOOK asked how the amount was determined. Mr. Batista replied Justice Information Services determined an estimated cost based on usage.

Motion/Vote: SEN. ZOOK moved that DP 1840 ITEM #3 BE DECREASED TO \$15,000 EACH YEAR OF THE BIENNIUM BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 1840 ITEM #4 INCREASES IN RENT BE ADOPTED. Motion carried 7-0.

Motion: SEN. ZOOK moved that DP 1840 #5 REQUEST TO PURCHASE ADDITIONAL VEHICLES BE ADOPTED.

Substitute Motion/Vote: SEN. CHRISTIAENS made a substitute motion that DP 1840 ITEM #5 REQUEST TO PURCHASE ADDITIONAL VEHICLES AND ITEM #6 REDUCTION IN OFFICE SUPPLIES AND MINOR EQUIPMENT BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 1842 NEW PROPOSAL FOR CRIMINAL INVESTIGATOR FUNDING SWITCH BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 1844 NEW PROPOSAL FOR LEGISLATIVE CONTRACT AUTHORITY OF \$135,000 IN FEDERAL AND \$15,000 IN STATE SPECIAL BE ADOPTED. Motion carried 7-0.

Ms. LaFond spoke to the added DP 1845 in the Martz budget. The Division of Criminal Investigation has 48 vehicles with 5 being replaced each year. The Martz budget removed funding for those 5 vehicles in the base budget for a general fund savings of \$149,690 for the biennium. It was considered a one time only budget item even though it was yearly replacements. Because it was such a short time frame, this request was overlooked by the department; therefore, they will have to adjust it somewhere in their budget. She noted due to the committee action in approving the base adjustments, the department will be getting one new vehicle each year of the biennium. **SEN. CHRISTIAENS** asked what mileage figure the department uses to determine replacement time. **Mr. Batista** stated 90,000 miles or more. There was further discussion about the mileage and the replacement policies. The department purchases lease return vehicles to save money but averages 20,000 to 25,000 miles a year. The vehicles are "road offices" when the agents are traveling. **REP. PATTISON** asked about confiscated vehicles being absorbed by the department. **Mr. Batista** replied it was nothing the department could count on but they do get them on occasion. The committee was concerned about the department getting behind on the replacement schedule. **Ms. Thorson** stated if the committee wished to have some of the vehicles replaced but not all of them, that a money amount be determined and not a vehicle number stated.

Motion/Vote: SEN. CHRISTIAENS moved that DP 1845 AUTHORIZE \$80,000 BE LEFT IN THE BASE BUDGET AS A BIENNIAL APPROPRIATION FOR VEHICLE REPLACEMENT BE ADOPTED. Motion carried 7-0.

Motion: REP. PATTISON moved that DP 1846 REDUCE NON-EMPLOYEE TRAVEL BY 50% EACH YEAR BE ADOPTED.

Discussion: SEN. CHRISTIAENS and SEN. SHEA asked for an explanation of non-employee travel. When outside agency employees, such as the Drug Task Force in Butte and Anaconda, are used to help in drug cases, the department pays the travel expense. After further discussion on the match ratio and the what funds were affected, it was determined the cut would be all general funds, but they would actually cut the money from federal special and state special since that is where they spend the money for travel.

{Tape : 1; Side : B; Approx. Time Counter : 0}

SEN. CHRISTIAENS asked if cuts were made to the division, is it possible to pull from other funds to cover necessary expenses.

Mr. Batista responded an attempt could be made to do that; however, the challenge for this division is too many of the funds are special accounts with restrictions and they could not transfer or divert funds from them.

A substitute motion was made by SEN. CHRISTIAENS to include language allowing the department to transfer funds to cover the reduction but was withdrawn at the recommendation of Ms. LaFond and Ms. Thorson as an unnecessary precaution.

Motion/Vote: REP. PATTISON moved that DP 1846 REDUCE NON-EMPLOYEE TRAVEL BY 50% EACH YEAR BE ADOPTED. Motion carried 7-0.

There is a new proposal by the Attorney General in the amount of \$534,639 from the general fund to develop a Computer Crime Unit in Montana. This unit would be under the Division of Criminal Investigation and include funding for 4 FTE. SEN. ZOOK stated until the ending fund balance is known, there is no funds available for this as valuable as a computer crime unit would be. Possibly it could be looked at later when more definite information is available on the ending fund balance. SEN. CHRISTIAENS expressed his concern that computer transactions is the fastest growing area. He would like to see language in place to allow them to use other money if it becomes available. Ms. LaFond stated the legislative contract authority previously approved would allow them the ability to do that. There may be some burn money available from the Board of Crime Control; however, it would be one time only money and the computer crime unit would be ongoing. The committee took no action on the new proposal at this time.

{Tape : 1; Side : B; Approx. Time Counter : 140}

COUNTY ATTORNEY PAYROLL

Motion/Vote: SEN. ZOOK moved that DP 1901 COUNTY ATTORNEY PAYROLL ADJUSTMENTS IN THE MARTZ BUDGET OF \$102,897 IN FISCAL 2002 AND \$156,741 IN FISCAL 2003 GENERAL FUNDS BE ADOPTED. Motion carried 7-0.

{Tape : 1; Side : B; Approx. Time Counter : 170}

MONTANA LAW ENFORCEMENT ACADEMY

Motion/Vote: REP. PATTISON moved that DP 2201 ITEM #1 REDUCING THE \$10,000 SUPPLIES AND NON-EMPLOYEE TRAVEL TO \$8,000 BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. SHEA moved that DP 2201 ITEM #2 AS WRITTEN BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2201 ITEM 3 INCREASE IN FOOD SERVICE CONTRACT AND ITEM 4 INCREASED UTILITY COSTS BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2201 ITEM 5 TO LEASE A LARGER TRACTOR AND ITEM #6 REDUCTION OF \$16,400 FOR COSTS ASSOCIATED WITH DARE BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. ZOOK moved that DP 2206 STOP VIOLENCE AGAINST WOMEN GRANT BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. ZOOK moved that DP 2207 LEGISLATIVE SPENDING AUTHORITY BE ADOPTED. Motion carried 7-0.

Mr. Greg Noose added the spending authority of \$50,000 does allow him to accept private funds. Ms. LaFond stated private funds are a part of state special funds and does allow that spending authority but does not restrict them to private funds only.

Motion/Vote: SEN. ZOOK moved that THE FOLLOWING LANGUAGE BE ADDED IN REGARD TO THE LEGISLATIVE CONTRACT AUTHORITY WITHIN THE DEPARTMENT OF JUSTICE BE ADOPTED. Motion carried 7-0.

The language is as follows: "The appropriations for legislative contract authority are subject to all of the following provisions:

- 1) Legislative contract authority applies only to federal and private funds.
- 2) Legislative contract authority expenditures must be reported on the state accounting records and kept separate from present law operations. In preparing the 2005 biennium executive budget, the office of budget and program planning may not include expenditures from this item in the present law base.
- 3) A report must be submitted by the department to the legislative fiscal analyst following the end of each fiscal year, listing legislative contract authority grants received and the amount of expenditures and FTE for each grant."

{Tape : 1; Side : B; Approx. Time Counter : 312}

CENTRAL SERVICES DIVISION

CHAIRMAN FISHER addressed the 2 FTE additional staff request for the Central Services Division. **SEN. CHRISTIAENS** asked if the problem with the SABHRS program caused only a temporary problem that if caught up would eliminate the need for additional staff. **Mr. Doug Booker, Administrator, Central Services Division,** replied this was a permanent need. They did not expect to be "caught up" at all. **Ms. LaFond** distributed information to further explain the problem in lack of staff in Centralized Services.

EXHIBIT(jch19a01) and **EXHIBIT(jch19a02)**

She stated the department originally asked for 4 FTE but were cut to 2 FTE in the budget office. The previous administrator helped the payroll clerks in the department many times because they were so far behind. They have a payroll to meet for a larger number of employees as new programs have been added to the Department of Justice.

Motion: **SEN. CHRISTIAENS** moved that **DP 2802 CSD ADD 2 FTE BE ADOPTED.**

Discussion: **REP. PATTISON** felt there were extra FTE's vacant in some of the other departments of the agency that could be used instead.

REP. PATTISON made a substitute motion **DP 2802 CSD ADD 2 FTE BE CUT TO 1 FTE.**

Discussion: **Ms. LaFond** added she hoped the committee would honor the request for 2 FTE since it had already been cut from 4 as one of the comprises the department made to meet budget cuts.

REP. PATTISON made a substitute motion DP 2802 CSD ADD 2 FTE BE CUT TO 1 FTE. Substitute motion carried 4-3 with Callahan, Christiaens, and Shea voting no.

{Tape : 1; Side : B; Approx. Time Counter : 440}

JUSTICE INFORMATION SYSTEMS DIVISION

The first item for the Justice Information Systems Division was the base adjustments. **Ms. Lorene** offered further explanation on the request for \$100,000 each year to procure contracted services for programming needs. The request is a 46.1 percent increase based on fiscal 2000 use of vacancy savings funds used for contracted services. By doing this, the additional \$65,033 will be added to the base for contracted services while the present law base adjustment for personal services has been made whole due to the budget for personal services being drive by positions, not expenditures. The LFD recommendation is to reduce the request by \$65,033.

{Tape : 2; Side : A; Approx. Time Counter : 0}

Mr. Steve Tesinsky, Administrator, Information Technology Services Division, stated the department is at about 25% vacancy rate now and need to look at contracted services to fill their needs. They have posted positions many times and been unable to fill them. The current rate of pay offered by the state does not meet the private sector offerings and therefore limits agency hiring. **SEN. ZOOK** commented hiring outside sources for contract services becomes a band aid affect. There was further discussion on the problem of finding information technology specialists and that this is a problem throughout many of the state agencies.

Motion/Vote: **REP. PATTISON** moved that DP 2901 ITEM #1 WITH THE LFD RECOMMENDATION TO REDUCE \$65,033 PER YEAR BE ADOPTED. Motion carried 6-1 with Shea voting no.

The committee took no action on DP 2901 item #2 asking for \$500 per year for reference materials.

Motion/Vote: **SEN. ZOOK** moved that DP 2901 ITEM #3 A DECREASE OF \$9,943 FOR ONE TIME ONLY RENT COSTS BE ADOPTED. Motion carried 7-0.

SEN. ZOOK asked for further information of DP 2901 item #4 which in a request for \$4,000 per for travel. **Ms. Thorson** responded it was an increase over \$20,963. **Ms. LaFond** added the increase

need for travel is due to the expansion in the law enforcement area and non-law enforcement area which led to a greater demand on the audit and support staff.

Motion: REP. PATTISON moved that DP 2901 ITEM #4 REDUCE THE REQUESTED \$4000 INCREASED TRAVEL TO \$2000 PER YEAR BE ADOPTED.

Discussion: There was further discussion on the need for audits. **Mr. Tesinsky** stated the increased non-criminal justice usage of the system is requiring further auditing and certifications. There is expected to be a large increase of usage in the Department of Public Health and Human Services in regards to background checks for child care facilities. **Mr. Larry Fasbender, Deputy Director, Department of Justice**, there is legislation currently in process that will put into law how background fingerprint checks are conducted for people who volunteer to work with children. There will be money set aside for that; however, at this time, those services need to be funded from the general fund. If the legislation passes, the department would be decreasing their request for funds to support the auditing certification services. **Mr. Tesinsky** stated by law the department is required to certify users of the information system.

Motion/Vote: REP. PATTISON moved that DP 2901 ITEM #4 REDUCE THE REQUESTED \$4000 INCREASED TRAVEL TO \$2000 PER YEAR BE ADOPTED. Motion carried 7-0.

Ms. LaFond asked **Mr. Tesinsky** to speak to DP 2901 item 5 which is a request for an additional \$23,500 per year for education and training of the people to fill information technology positions. Training is very necessary since finding fully qualified people at the state salaries is a challenge. Training is also necessary to keep current employees updated on the new technologies.

Motion/Vote: SEN. ZOOK moved that DP 2901 ITEM #5 \$23,500 PER YEAR FOR EDUCATION AND TRAINING BE ADOPTED. Motion carried 7-0.

Motion: SEN. CHRISTIAENS moved that DO 2902 ADD 1 FTE BE ADOPTED.

Discussion: SEN. ZOOK asked why there was a need to add another FTE when they have 11 vacancies at this time. **Mr. Tesinsky** replied the open FTE's have different job requirements and classifications. Using one of those open FTE's would be losing a high technology position they hope to fill and need so badly. This position is also already funded.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2902 ADD 1 FTE BE ADOPTED. Motion carried 5-2 with Pattison and Mohl voting no.

Motion/Vote: SEN. CHRISTIAENS moved that DP 2903 LEGISLATIVE CONTRACT AUTHORITY BE ADOPTED. Motion carried 7-0.

{Tape : 2; Side : B; Approx. Time Counter : 0}

Mr. Fasbender reminded the committee of the new proposal by the Attorney General for \$250,000 from the general fund for each year of the 2003 biennium to procure contracted services in support of maintaining existing application and systems in the Information Technology Services Division. The LFD note clarified this request combined with another request in DP 2901 for contract services in the amount of \$100,000 would increase the base expenditures approximately 150%. **Ms. Thorson** reminded the committee the \$100,000 request for contracted services had been acted on already and decreased by \$65,000 each year; therefore, the percent of increase would be less.

Ms. LaFond added this request could possibly fit into the Information Technology budget. **SEN. ZOOK** responded he did not believe it was in the budget. He suggested delaying action on this request until further information could be obtained. The committee took no action at this time on the new proposal by the Attorney General for \$250,000 from the general fund each year to procure contracted services in support of maintaining existing application and systems in the Information Technology Services Division.

{Tape : 2; Side : B; Approx. Time Counter : 45}

EXTRADITION AND TRANSPORTATION OF PRISONERS

CHAIRMAN FISHER asked about the increase of \$13,245 by the Martz budget for DP 3001 Base Adjustments. **Ms. Thorson** stated the increase was due to escalating costs for that transportation. **Ms. LaFond** added the out-of-the transportation costs elevate the overall cost considerably. She distributed a breakdown of extradition locations.

EXHIBIT (jch19a03)

Ms. LaFond stated they have little or no control over the expenses involved with transport of prisoners. The budget office can see increased costs coming and have asked for additional funds. However, if there are any funds left in the budget at the end of the biennium, the budget office is asked for language to

be approved allowing the department to purchase additional vans for transport.

Motion/Vote: SEN. ZOOK moved that DP 3001 TOP BASE ADJUSTMENTS WITH THE MARTZ INCREASE OF \$13,245 GENERAL FUND IN FISCAL 2002 AND \$14,457 IN FISCAL 2003 AND THAT THE FOLLOWING LANGUAGE "GENERAL FUND MONEY UP TO \$51,000 FOR THE 2003 BIENNIUM IN ITEM (EXTRADITION AND TRANSPORTATION OF PRISONERS) NOT USED FOR THE EXTRADITION AND TRANSPORTATION OF PRISONERS MAY BE USED TO PURCHASE VANS FOR COUNTY SHERIFFS AND PEACE OFFICERS TO TRANSPORT PRISONERS." BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that THE FOLLOWING ADDITIONAL LANGUAGE FOR HB 2 FOR PROGRAM 30 - EXTRADITION & TRANSPORTATION OF PRISONERS "THE LEGISLATURE RECOGNIZES THAT THE COST FOR EXTRADITION & TRANSPORTATION OF PRISONERS IS DEPENDENT UPON FACTORS BEYOND THE AGENCY'S CONTROL AND MAY EXCEED THE APPROPRIATION PROVIDED. IN THAT EVENT, THE AGENCY WILL NEED TO REQUEST A SUPPLEMENTAL APPROPRIATION FROM THE 2003 LEGISLATURE TO PROVIDE REQUIRED EXTRADITION AND TRANSPORTATION OF PRISONERS." BE ADOPTED. Motion carried 7-0.

Motion/Vote: SEN. CHRISTIAENS moved that THE BUDGET AS AMENDED FOR THE DEPARTMENT OF JUSTICE BE ADOPTED. Motion carried 7-0.

A letter was distributed from the Glasgow Police Department in support of the Computer Crime Unit.

EXHIBIT (jch19a04)

CHAIRMAN FISHER closed the executive action procedures.

{Tape : 2; Side : B; Approx. Time Counter : 190}

DEPARTMENT OF ADMINISTRATION

SEN. CHRISTIAENS had written a letter to the Department of Administration asking for information on how rent/lease amounts are handled for those agencies who move off the Capitol campus.

Mr. Dave Ashley, Deputy Director of the Department of Administration, began the overview of the situation. During the interim between Legislative sessions, agencies come to the department asking for more space usually for only one reason-- increased people in the current office. Many times the increased staff is required due to state administered federal programs. The Department first looks for space within state owned facilities and then looks elsewhere. He stated there is

currently 877,000 square feet state owned which is charged to agencies at \$5.37/foot and 444,000 square feet of private space rented at an average cost of \$8.51/foot.

Mr. Ashley went on to say every situation is unique. He explained the situation with the Board of Crime Control (BOCC) when they moved from the Scott Hart Building to private space at the Gibson Shopping Center. Because the Department of Justice actually needed the additional space in the Scott Hart Building, they agreed to pay the additional \$26,000 incurred by the BOCC for last year. But now in the new biennium, the BOCC needs the additional amount figured into their budget. **SEN. CHRISTIAENS** asked what involvement the Department of Administration has in the process of agencies moving off campus. He asked if agencies are all treated the same. **CHAIRMAN FISHER** felt the legislature has no control over these increased rent amounts. He asked if rental could be taken out of all the agencies and put into one department (such as administration) for more control.

Mr. Bill Bayless, Administrator, General Services Department, stated the General Services Department (GSD) has no rent budget as such. When agencies need more space, the agency looks at options and decides on the best location for the best price to fit their needs. The GSD has an inventory of available space (especially in Helena) for information. He explained the formula for calculating rental charges within the Capitol and how it is figures into their budget for maintenance, service, and repair. **SEN. ZOOK** asked if the sound systems are the GSD's responsibility to maintain. **Mr. Bayless** replied those are agency responsibility. **SEN. ZOOK** was especially concerned about the sound system in the old supreme court chambers. It is considered a Senate room and needs to be addressed by the Senate. **CHAIRMAN FISHER** asked if the rent could be put into one agency to monitor and fund. **Mr. Bayless** stated it would become a bottleneck as the GSD would have to justify other people's needs for funding.

{Tape : 3; Side : A; Approx. Time Counter : 0}

Mr. Bayless also stated the Department of Administration does not force agencies to move. Agencies usually meet and arrive at a solution satisfactory to all parties. **SEN. CHRISTIAENS** asked about the possibilities of agencies who are self-sufficient from the rest of the state agencies moving to another city. Many cities around the state have office buildings sitting vacant and offered at a much cheaper rate of rent. **Mr. Bayless** felt it was a possibility that should be taken into consideration. **CHAIRMAN FISHER** felt with the advancement of telecommunications, agencies in different cities should not be a problem.

SEN. CHRISTIAENS felt outside communities should be allowed to bid on space when offices are moving. It might save the state a considerable amount of money. **Mr. Bayless** stated the agencies would have to be convinced of the merits of the option of moving to a different city. He added newer rental spaces are increasing and the rent requests will become even higher.

CHAIRMAN FISHER adjourned the meeting.

January 24, 2001

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ADJOURNMENT

Adjournment: 10:32 A.M.

REP. STANLEY FISHER, Chairman

SANDRA WHITAKER, Secretary

SF/SW

EXHIBIT (jch19aad)